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Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PROVIDENT FUNDING ASSOCIATES,
L.P.,

Plaintiff,

v.

LYDIAN PRIVATE BANK,
VIRTUALBANK, A DIVISION OF LYDIAN
PRIVATE BANK, and Does 1 through 20,

Defendants.

Case No.: CV-11-1538 JCS

**STIPULATION AND ORDER
SUBSTITUTING FEDERAL DEPOSIT
INSURANCE CORPORATION, AS
RECEIVER, FOR DEFENDANT LYDIAN
PRIVATE BANK**

On August 19, 2011, the Office of the Comptroller of the Currency appointed the Federal Deposit Insurance Corporation (the "FDIC") as Receiver for Defendant Lydian Private Bank ("Lydian") pursuant to 12 U.S.C. §§ 1464(d)(2) and 1821(c)(5). A copy of the appointment is attached hereto as Exhibit A.

The FDIC accepted the appointment as Receiver for Lydian that same day. A copy of the FDIC's acceptance of the appointment is attached hereto as Exhibit B.

Therefore, IT IS HEREBY STIPULATED AND AGREED THAT, pursuant to 12 U.S.C. § 1819, the FDIC, as Receiver for Lydian, is now the real party in interest in this action and is hereby substituted for Lydian in this action.

Dated: September 13, 2011

HOGAN LOVELLS US LLP

By: /s/ Neil R. O'Hanlon

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Dated: September 13, 2011

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 14, 2011

HON.



STIPULATION AND ORDER SUBSTITUTING FEDERAL
DERIVATIVE INSURANCE CORPORATION, AS RECEIVER,
FOR DEFENDANT LYDIAN PRIVATE BANK